

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 77-108

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING CITIES OF SAN JOSE AND SANTA CLARA--  
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT  
TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY  
REGION, IN ORDER NO. 77-107 (NPDES PERMIT NO. CA0037842)

The California Regional Water Quality Control Board, San Francisco Bay Region,  
finds that:

1. This Board on July 19, 1977 adopted Order No. 77-107 prescribing waste discharge requirements including a compliance time schedule for the Cities of San Jose and Santa Clara (hereinafter "discharger") in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains a compliance date of July 1, 1977, for achieving secondary effluent limitations as required by the Federal Act, including more stringent effluent and receiving water limitations consistent with the Board's Basin Plan.
2. The discharger has submitted evidence which documents that the above requirements contained in Order No. 77-107 cannot be achieved. The discharger has experienced delays beyond its control because of grant process for construction of necessary facilities and complexity of South Bay water quality problems.
3. The discharger has submitted a time schedule by which it can achieve the requirements contained in Order No. 77-107.
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with Provision E.2.a of Order No. 77-107 in accordance with the following schedule:

1.	<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
	Status Report on construction of tertiary facilities	-	December 1, 1977
	Status Report on construction of tertiary facilities	-	May 1, 1978

Complete construction	October 1, 1978	October 15, 1978
Full compliance	December 15, 1978	December 30, 1978

2. This Order expires on January 1, 1979.

The Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with final effluent and receiving water limitations by July 1, 1977, as contained in Order No. 77-107 provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of provision E.2.a.;
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 19, 1977.

FRED H. DIERKER  
Executive Officer